RSC
Republican Study Committee
Rep. John Shadegg (R-AZ), Chairman
Neil Bradley, Executive Director
432 Cannon House Office Building
Washington, D.C. 20515
http://www.house.gov/burton/RSC/
(202) 226-9717

Legislative Bulletin……………………………….…Week of March 5, 2001

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H.R. 724—Authorizing Appropriations for the Strategic Petroleum Reserve (Bass)

Order of Business: This bill will be considered on Tuesday, March 6, 2001, under suspension of the rules.

Short Summary: Last year Congress passed and the President signed H.R. 2884 (P.L. 106-469) which, among other things, reauthorized the operations of the Strategic Petroleum Reserve through September 30, 2003. However, H.R. 2884 failed to repeal provisions previously enacted into law that authorize appropriations for the Strategic Petroleum Reserve only through March 31, 2000. H.R. 724 would repeal these restrictions, thereby extending the authorization for appropriations.

Cost to Taxpayers: CBO has previously estimated that carrying out the provisions authorized by law would cost between $364 and $375 million a year. However, these costs were assumed in the bill signed into law last year.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: Last year, the Commerce Committee identified its authority under Article I, Section 8, Clause 3 of the Constitution (commerce clause).

Staff Contact: Neil Bradley, x6-9717

H.R.727—To Amend the Consumer Product Safety Act to Provide that Low-Speed Electric Bicycles Are Consumer Products Subject to Such Act. (Stearns)

Order of Business: This bill will be considered on Tuesday, March 6, 2001, under suspension of the rules.

Short Summary:
1) This bill would make low-speed electric bicycles subject to regulation as consumer products by the Consumer Product Safety Commission (CPSC) rather than as their current status of motor vehicles by the National Highway Traffic Safety Administration (NHTSA).
2) Federal regulations would supersede any state regulation that is more stringent.
3) The CPSC would be allowed to amend or create regulations regarding these bicycles in the future.

H.R. 727 is identical to H.R. 2592 that passed the House by voice vote on October 19, 2000. The Senate did not consider the bill.

Additional Background: A low-speed electric bicycle is defined as "a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed…is less than 20 mph." Typical users of electric bicycles are older and disabled riders who have trouble riding up hills without motorized assistance, law enforcement agencies who want to increase their officers' patrol ranges, and commuters.

If NHTSA were to strictly enforce the current regulations for low-speed electric bicycles, which treat such bicycles as motorcycles, the electric bikes would be required to have brake lights, turn signals, automotive-grade headlights, rear view mirrors, license plates, and other equipment that would make the bikes too heavy, too difficult to control, and too expensive.

The CPSC regulations of non-electric bicycles, which would apply to low-speed electric bicycles if this bill were enacted into law, can be found in part 1512, title 16, of the Code of Federal Regulations. The regulations apply to the dimensions, assembly, braking abilities, mechanical strength, tire constriction, reflectors, and other safety accessories of bicycles.

Cost to Taxpayers: The CBO estimated that H.R. 2592 would cost less than $500,000 per year. There is no new cost analysis for H.R. 727.

Does the Bill Create New Federal Programs or Rules?: No. It transfers the regulatory authority over electric bicycles from NHTSA to CPSC. Overall, there will be fewer and simpler regulations on electric bicycles under the CPSC than under the NHTSA.

Although the bill contains a mandate on states (because it would supersede any more stringent state regulations on the bicycles), the CBO estimated (for H.R. 2592) that complying with this mandate would not exceed the threshold established by the Unfunded Mandates Reform Act.

Constitutional Authority: Last year, the Commerce Committee identified its authority under Article I, Section 8, Clause 3 of the Constitution (commerce clause).

Staff Contact: Paul Teller, x6-9718, paul.teller@mail.house.gov

H.R.624 – Organ Donation Improvement Act of 2001 (Bilirakis)

Order of Business: The bill is scheduled to be considered on Wednesday, March 7, 2001, under suspension of the rules.

Short Summary: The bill establishes:

1) a new grant program to states, organ transplant centers, organ procurement organizations, or other public or private entities to pay for travel and "incidental nonmedical expenses" for living organ donors to travel to a transplantation site in a different state, and
2) a grant program for public awareness and studies regarding organ donation.

The bill's provisions are similar to those included in H.R. 2418 which passed the House in the 106th Congress on April 4, 2000 by a 275-147 vote (Roll call #101). A Committee memo notes "the votes against H.R. 2418 were focused on the provisions relating to Secretarial authority over the allocation process, which have not been included in H.R. 624."

Cost to Taxpayers: The bill authorizes $5 million per year from FY'01 to FY'06 ($30 million total) for organ donor travel expenses and $15 million for FY'01 and "such sums as may be necessary" for FY'02-FY'06 for an educational grant program (of which up to $2 million may go for studies and demonstrations). There is no CBO estimate for H.R. 624. In total, assuming that spending does not decline from year to year, the bill would authorize a minimum of $105 million.

Constitutional Authority: In the 106th Congress, the Commerce Committee found authority for a similar bill (H.R. 2418) under Article I, Section 8, Clause 3 of the Constitution (commerce clause).

Does the Bill Create New Federal Programs or Rules: YES, the bill creates a new discretionary grant program for the Secretary of HHS to provide travel aid to living organ donors (and possibly their accompanying family members), if such donors must travel out of state to donate their organs. These grants or contracts may only be dispersed if the annual income of the person *who will receive the organ* is $35,000 (it does not consider whether or not the donor could pay for the travel himself). People who travel for the intent of organ donation but whose organ is ultimately not used may still qualify for travel reimbursement. The federal grants are calculated based on reasonable costs to travel to the nearest center to the recipient. The bill does not allow financial awards if some other entity, like an insurance company, may reasonably be expected to pay for the cost of donating an organ.

The new educational grant program may go to public and nonprofit private entities for studies or demonstrations or to states. If the grant goes to a state, the state is required to: 1) establish yearly goals to improve organ donation rates, 2) develop, enhance or expand state donor registries to be available to hospitals, organ centers, and other states upon request (assuming state law allows the sharing of this information often collected by the state DMV), and 3) file an annual report with the HHS Secretary.

The bill requires the Secretary to file an annual report to Congress on the educational grant program's progress.

RSC Staff Contact: Sheila Moloney x6-9719

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